

### **REMARKS**

The present Amendment is in response to the Office Action mailed December 8, 2010. Claims 5, 7, 18, and 24 are cancelled, claims 1 and 11 are amended<sup>1</sup>. Claims 1-4, 6, 8-17, 19-23, and 25-30 are now pending in view of the above amendments. Applicants note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Applicants also note that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks.

### **PRIOR ART REJECTIONS**

#### **Rejection Under 35 U.S.C. § 103**

The Office Action rejected claim(s) 1-4, 6, 8-17, 19-21 and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,334,379 (*Siegel*) in view of U.S. Patent No. 6,152,364 (*Schoonen*) and U.S. Patent No. 5,208,762 (*Charhut*).

The Office Action rejected claim(s) 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Siegel* in view of *Schoonen* and *Charhut* and further in view of U.S. Patent No. 6,449,921 (*Kim*).

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<sup>1</sup> Disclosure for the amendments may be found throughout the whole application, but for instance on page 4/first paragraph and page 6/last paragraph and page 7/first paragraph and in pending claims 12 and 20.

Applicants traverse the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims.

The claims as presented herein are directed to a tablet filling method/system. If errors occur during the implementation of the tablet filling process, such errors are stored as error identifications in the information carrier allocated at the tablet container. At each step of the tablet filling process, the information carrier is read out and, based on the read out information (tablets filled correct so far or error identification detected for this particular tablet container), the particular process step is processed by the machine or not. Tablet containers with an error identification stored in the information carrier are eliminated centrally at the end of the filling process.

This provides the advantage that a tablet container for which an error has been detected will not be filled with additional tablets during following process steps. This reduces the waste of tablets that are filled in tablet containers with error indications. On the other hand, this avoids the need of an elimination station at each process step of the tablet filling system to eliminate table containers that were not filled correctly at the particular process step.

*Siegel* does not disclose writing error identifications on table containers and the product removal station 43 removes all products from the rotary station 44, not only those that were filled wrong based on the read out error identification. In contrast to the elements of claim 1, *Siegel* teaches that a bar code on a card on the product package is read so that the card is associated with a particular patient dose immediately after filling. These teachings are contrary to the elements of claim 1 and do not address errors that can happen during the implementation of the tablet filling process. In other words, the system of *Siegel* does not disclose or account for errors that may occur during the filling process itself.

*Charhut* discloses a higher ranked computer system that stores FIFO lists (Prescription Wait Queue; Prescription Wait List; Prescription Filled Queue) of tablet containers (vials) to be filled during the tablet container filling process. *Charhut* furthermore discloses indicating (flag) in the list which vial is to be sent to the reject bin.

But *Charhut* does not disclose writing error identifications on the tablet containers which involves the risk of errors (differences between the list in the computer and the factual tablet containers in the filling process).

*Charhut* furthermore does not disclose the element of avoiding a further filling of tablets in tablet containers with an error indication. Claim 1 recites that the tablet filling process is stopped for the tablet container with an error identification.

Thus, *Charhut* does not remedy the deficiencies of *Seigl*. Neither *Schoonen* nor *Kim* remedies the deficiencies of *Seigl* and/or *Charhut*.

For at least these reasons, Applicants submit that claim 1 is patentable over the cited art. Claim 11 is patentable for at least the same reasons. The dependent claims rejected under § 103 are patentable for at least the same reasons.

### **CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney. In view of the recent USPTO initiative regarding compact prosecution, Applicant respectfully invites the Examiner to contact the undersigned at his earliest convenience in the instance that additional impediment exists to the prompt allowance of this case.

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Respectfully submitted,

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